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DOCKET NO: 22233-05202 SVL920040506US1

PATENT RECEIVED  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG - 6 2004

First Named Inventor:	Steven Guttman	Assignee:	Alphablox Corporation
Application No.:	09/714024	Customer No.:	
Confirmation No.:	5215	Group Art Unit:	2176
Filing Date:	11/15/2000	Examiner:	
Title	Client Side, Web-Based Spreadsheet		
CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)			
I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on: <u>Aug 6, 2004</u> these papers were faxed to: (703) 872-9306			
Type/Print Name of Person Signing:	Signature: <u>Janette Seizer</u>		

OFFICIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REVOCATION AND POWER OF ATTORNEY**  
**AND**  
**CHANGE OF ADDRESS**

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application and appoint practitioners at

Customer Number: **24852**

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected herewith.

Please change the correspondence address for the above-identified application to

Customer Number: **24852**

SIGNATURE of Assignee of Record of entire interest (Statement under 37 CFR 3.73(b) is enclosed)

Name	Kenneth L Cochran	Title: Corporate Secretary
Signature	<u>Kenneth L Cochran</u>	
Date	<u>8/6/04</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		

DOCKET NO: 22233-05202 SVL920040506US1

PATENT

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**STATEMENT OF COMMON OWNERSHIP***Statement under 37 CFR 3.73(b)*


I declare as follows:

The above referenced patent application was originally assigned by the inventors, Steve Guttman and Joseph Ternasky, to **Alphablox Corporation** on Mar. 24, 2001 and Mar. 19, 2001, respectively. That Assignment was recorded in the US Patent and Trademark Office, Assignment Division, with Recordation Date: Apr. 2, 2001, at Reel/Frame: 011674/0983.

On July 14, 2004, AB Acquisition Corp. a Delaware Corporation and a wholly owned subsidiary of International Business Machines Corporation, merged with Alphablox Corporation, a Delaware Corporation; the surviving corporation being Alphablox Corporation. A copy of the Certificate of Merger is attached hereto.

I am authorized to sign on behalf of Alphablox Corporation.

I further declare that all statements made herein of my own personal knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

	<b>Alphablox Corporation</b>	
Name	Kenneth L Cochran	Title: Corporate Secretary
Signature		
Date	8/6/04	

# Delaware

PAGE 1

*The First State*

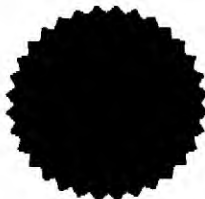
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"AB ACQUISITION CORP.", A DELAWARE CORPORATION,  
WITH AND INTO "ALPHABLOX CORPORATION" UNDER THE NAME OF  
"ALPHABLOX CORPORATION", A CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED  
IN THIS OFFICE THE FOURTEENTH DAY OF JULY, A.D. 2004, AT 10  
O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.

2623116 8100M

040515126



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State  
AUTHENTICATION: 9231809

DATE: 07-14-04

State of Delaware  
 Secretary of State  
 Division of Corporations  
 Delivered 09:53 AM 07/14/2004  
 FILED 10:00 AM 07/14/2004  
 SRV 040515126 - 2623116 FILE

# **CERTIFICATE OF MERGER**

**OF**

**AB ACQUISITION CORP.**

**WITH AND INTO**

**ALPHABLOX CORPORATION**

**UNDER SECTION 251 OF THE  
 GENERAL CORPORATION LAW  
 OF THE STATE OF DELAWARE**

Pursuant to Section 251(c) of the General Corporation Law of the State of Delaware (the "DGCL"), AlphaBlox Corporation, a Delaware corporation ("AlphaBlox Corporation"), hereby certifies the following information relating to the merger (the "Merger") of AB Acquisition Corp., a Delaware corporation ("AB Acquisition Corp."), with and into AlphaBlox Corporation.

1. The name and state of incorporation of each of the constituent corporations in the Merger (the "Constituent Corporations") is as follows:

<u>Name</u>	<u>State of Incorporation</u>
AB Acquisition Corp.	Delaware
AlphaBlox Corporation	Delaware

2. The Agreement and Plan of Merger (the "Merger Agreement") dated as of July 13, 2004, by and among International Business Machines Corporation, a New York corporation ("IBM"), AB Acquisition Corp., a wholly owned subsidiary of IBM, and AlphaBlox Corporation, setting forth the terms and conditions of the Merger, has been approved, adopted, certified, executed and acknowledged by each of the Constituent Corporations in accordance with Section 251 of the DGCL.

3. The name of the corporation surviving the Merger is AlphaBlox Corporation (the "Surviving Corporation").

4. The Restated Certificate of Incorporation of the Surviving Corporation in effect immediately prior to the Merger becoming effective shall be restated at the Effective Time (as defined below) as so provided in Exhibit A attached hereto (the "Restated Certificate of Incorporation"), and, as so, such Restated Certificate of Incorporation shall be the Restated Certificate of Incorporation of the Surviving Corporation until thereafter altered or amended as provided therein or by applicable law.

[[NYCORP2396344]]

5. The ~~executed~~ Merger Agreement is on file at the principal place of business of the Surviving Corporation at the following address:

AlphaBlox Corporation  
516 Clyde Avenue  
Mountain View, CA 94043

6. A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either of the Constituent Corporations.

7. This Certificate of Merger and the Merger provided for herein, shall become effective at 10:00 a.m., New York time, on July 14, 2004 (the "Effective Time").

[SIGNATURE PAGE FOLLOWS]

[JNYCORP:2396344]

2004.

This Certificate of Merger has been executed on this 4<sup>th</sup> day of July,

ALPHABLOX CORPORATION

by

  
Name: Joseph M. Guglielmi

Title: Chief Executive Officer

## EXHIBIT A

**RESTATED CERTIFICATE  
OF INCORPORATION OF ALPHABLOX CORPORATION**

**FIRST:** The name of the corporation (hereinafter called the "Corporation") is AlphaBlox Corporation.

**SECOND:** The address, including street, number, city, and county, of the registered office of the Corporation in the State of Delaware is 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, County of New Castle; and the name of the registered agent of the Corporation in the State of Delaware at such address is Corporation Service Company.

**THIRD:** The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**FOURTH:** The aggregate number of shares which the Corporation shall have authority to issue is 1,000 shares of Common Stock, par value \$0.01 per share.

**FIFTH:** In furtherance and not in limitation of the powers conferred upon it by law, the Board of Directors of the Corporation is expressly authorized to adopt, amend or repeal the By-laws of the Corporation.

**SIXTH:** To the fullest extent permitted by the General Corporation Law of the State of Delaware as it now exists and as it may hereafter be amended, no director shall be personally liable to the Corporation or any of its stockholders for monetary damages for breach of fiduciary duty as a director, except for liability (i) for any breach of the director's duty of loyalty to the Corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) pursuant to Section 174 of the General Corporation Law of the State of Delaware or (iv) for any transaction from which the director derived an improper personal benefit. Any repeal or modification of this Article SIXTH shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification with respect to acts or omissions occurring prior to such repeal or modification.

**SEVENTH:** The Corporation shall, to the fullest extent permitted by the provisions of Section 145 of the General Corporation Law of the State of Delaware, as the same may be amended and supplemented, indemnify any and all persons whom it shall have power to indemnify under said Section from and against any and all of the expenses, liabilities, or other matters referred to in or covered by said Section, and the indemnification provided for herein shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any By-laws, agreement, vote of stockholders or disinterested directors or otherwise and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person. Any repeal or modification of this

[(NYCORP-1396344)]



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Article SEVENTH shall not adversely affect any right to indemnification of any persons existing at the time of such repeal or modification with respect to any matters occurring prior to such repeal or modification.

EIGHTH: Unless and except to the extent that the By-laws of the Corporation shall so require, the election of directors of the Corporation need not be by written ballot.

[NYCORP-23963441]

# Facsimile Transmission Form

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AUG - 6 2004

OFFICIAL

**From:**

**Message:** fax